



ANNO VICESIMO OCTAVO ET VICESIMO NONO

VICTORIÆ REGINÆ.

No. IX.

An Act to amend the Manner of taking the
Verdict of a Jury in Civil Cases.

[16th June, 1865.]

WHEREAS, much Delay and Expense in the Administration of Justice has been occasioned by the Rule of Law, that in the Trial of a Civil Action the Jury must be unanimous in their Verdict; and whereas, it is expedient that the said Rule should be altered: be it therefore enacted by the Governor of the Colony of Vancouver Island and its Dependencies, by and with the Advice and Consent of the Legislative Council and Assembly thereof, as follows:

I. From and after the Passage of this Act, on the Trial of any Issue joined, in the Supreme Court of Civil Justice of Vancouver Island and its Dependencies, or on the Trial of any Cause in the Inferior Court of Civil Justice of Vancouver Island, or on the Execution of any Writ of Enquiry of Damages, it shall be lawful for the Chief Justice of the Supreme Court of Civil Justice, or other the Judge presiding in such Inferior Court or the Person acting in the Execution of the said Writ in a Judicial capacity, respectively to receive the Verdict of six eighths, or of any Proportion equal to or greater than Six-eighths of the Jury empaneled to try such Issue or Cause, or on the Execution of any such Writ of Inquiry after the Expiration of Three Hours from the Time when such Jury shall have retired to consider their Verdict, in case at the End of such Three Hours they shall not in all respects be unanimous.

The Judge
may take the
Verdict of Six-
Eighths of the
Jury.

II. Such Verdict shall be as binding in all respects and have the Same Operation and Effect as if it had been the Unanimous Verdict of the Jury, but

The Verdict
to have the
same Effect as
if Jury were
unanimous.
nothing

Verdict of Jury in Civil Actions.

nothing herein contained shall be deemed to apply to any Prosecution, Suit or other Proceeding in respect of any Offence or for the Recovery of any Penalties or Forfeitures by or on behalf of the Crown.

Interpreta-
tion Clause.

III. The Expression, Chief Justice, shall be deemed to include any Acting Chief Justice, or Judge of the said Supreme Court.

Short Title.

IV. This Act may be cited as "The Vancouver Island Jury Act, 1865."

Passed the Legislative Council the 29th day of May, 1865.

E. J. NESBITT,
CLERK OF THE LEGISLATIVE COUNCIL.

Passed the Legislative Assembly the 3d day of June, 1865.

R. W. TORRENS,
CLERK OF THE LEGISLATIVE ASSEMBLY.

I assent to this Act in the Name and on Behalf of Her Majesty, this 16th day of June, 1865.

A. E. KENNEDY,
GOVERNOR.

VICTORIA, VANCOUVER ISLAND:

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1865.

